

### 1.3 Eligibility/Ineligibility

The [DRS-383 Eligibility/Ineligibility Determination for Independent Living Services](#) form is used for determining an applicant's eligibility or ineligibility for IL services. There are four parts to the eligibility determination, and all parts must be completed with staff signature and date at the bottom. For detailed instructions on how to complete the form and a sample eligibility to refer to, please [click here](#). The DRS-383 form must address the following eligibility criteria:

1. The nature of significant disability and explain how the determination was made;
2. The functional limitations and how the limitations affect the client's ability to live independently; and
3. indicate which IL services will improve the individual's ability to function, continue functioning, or move towards functioning independently in the family or community or to continue employment.

Examples for verifying a significant disability and substantial functional limitations can be found in the Eligibility/Ineligibility Instructions. The Eligibility Form must be signed and kept in the participant case file. The Independent Living Specialist must sign and date the form the day eligibility is established. This date should be the same as the date of the Independent Living Plan or Waiver.

If any one of the three eligibility criteria listed above cannot be met, the applicant will be ineligible for services. If ineligible, the CIL must follow these four steps:

1. Consult the applicant or representative, or provide a clear opportunity for this consultation;
2. Provide written notification of the action taken to the applicant or representative in an accessible format;
3. Provide an explanation of the availability, purpose, and how to contact CAP to the applicant or representative in an accessible format; and
4. If appropriate, refer the applicant to other agencies, including VR.

A copy of the written notification must be placed in the CSR for all ineligibility decisions. The CIL must review the ineligibility decision within 12 months after the decision was made and determine if the applicant's situation has changed. A review does not have to be conducted when the applicant has refused the review, is not present in the state, or their whereabouts are unknown. However, the review, or the attempt to review, must be documented in the CSR.

An applicant must be eligible in order for any services to be provided, with the exception of Information and Referral.

In order to be eligible for IL Services, a participant must be present and available in the state. **The state plan assures that the service provider does to impose any State or local residence requirement that excludes under the plan an individual who is present in the State and who is otherwise eligible for IL services from receiving IL services.** An example of this would be a person who is homeless. CIL's can't require an applicant to provide an address

(which they may not have if they are homeless). The assumption here is that most services will be provided to SD residents. There are a few rare exceptions when a person who actually lived right across the border in another state, but they work, shop and get services right over the border in the closest South Dakota town available. But someone who lives, for example, in Larchwood, Iowa lives within a community where they pay their taxes, their children attend school there, etc. In this type of situation, they need to get services in Iowa within their community. There should be a Center for Independent Living in Iowa that covers that area of the state.

Another thing to consider is what services they need. For example, HMAD is using State of South Dakota General funds only. That really needs to be used for South Dakota residents who pay their taxes to support these types of services in South Dakota. The above bolded section is for federal funds. Another example would be TAD services, where they need to be South Dakota residents. You would likely see a South Dakota phone number and they are paying taxes on that phone service in South Dakota.

For any IL applicant that is not a resident of South Dakota, IL Specialists need to seek prior approval from the IL Program Specialist through Department of Human Services. Information needed to request provision of services would include their address (if they have one), what services they are requesting from the CIL, and what community they spend most of their time working, shopping, attending community functions, etc.

Click this section for clarification on eligibility and providing services to members of the [Hutterite Colony](#).

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